



Fritz Daily
1901 Roosevelt Ave.
Butte, MT 59701
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“Whatever has happened with the EPA in the past, we that are here at the EPA now own that. We cannot change that but perhaps we can effect completing this remedial action.” Email quote to me from Albert Kelly, Senior Advisor to EPA Administrator Pruitt on April 18, 2018.

Dear Senator Tester, Senator Daines, Representative Gianforte, Governor Bullock, Attorney General Fox, Acting Administrator Wheeler, Region Eight EPA Administrator Benevento, Butte Silver Bow Council of Commissioners and interested Butte residents;

As the political leaders of our State and the Local Government of Butte Silver Bow, in the near future you are going to be asked to accept or reject what I believe will be one of the most, if not the most, important decisions ever made in Butte’s History---The final decision on the Superfund cleanup and restoration of Butte known as Butte Priority Soils including the cleanup and restoration of Silver Bow Creek flowing through Butte.

The decision will also have a profound effect on the Clark Fork and Columbia River Basins and will, I believe, determine the economic and environmental and social future of Butte Montana and the Basins in perpetuity. **I ask {beg} you to become pro-actively involved to assure Butte receives the quality cleanup and restoration the community needs and deserves for the positives this community and our ancestors have contributed to this great nation---electrifying and creating the communication systems and supplying the ore necessary to defend this county during times of war!**

I believe this decision compares to the Closing of the Anaconda Smelter in 1980 that basically ended mining in Butte and cost thousands of miners and smelter men their livelihoods, shutting off the underground mine pumps in the Kelley Mine in 1982 that caused the Berkeley Pit flooding, the closing of the Berkeley Pit in 1982 and finally the decision to institute deregulation in 1985 that led to the demise of the Montana Power Company.

In 2005 I wrote to the Butte Silver Bow Council of Commissioners that the 2006 Record of Decision on Butte Priority soils “reeked of the Touch America Decision”. While there are some positives with the current decision, like the removal of contaminated tailings, the current decision does the same! That decision destroyed pensions of numerous Butte and Montana residents, cost thousands of employee jobs and in the end raised the electric and gas power rates for every Montana resident.

While I was not serving in the Legislature at the time of that decision, my friends and former colleagues who made that decision have bared the burden of that tragic decision. The decision was based on “blind Trust” of a few individuals who negotiated the decision in “secret closed door discussions” with little or no public knowledge or participation on their part. This is similar to what you are being required to do with the decision on Butte Priority Soils that includes Silver Bow Creek flowing through Butte and its corridor! I urge you please do not make that same mistake!

It unbelievable and unconscionable to me that the State of Montana and the Environmental Protection Agency have determined that it is environmentally practical and achievable to require the Atlantic Richfield/British Petroleum Company to spend \$100+ million dollars to remove the Milltown Dam, \$151+ million to clean Silver Bow Creek, negotiated a \$96+ million “buy out” to clean the Clark Fork River and Missoula now has a beautiful Park and Amphitheatre! Yet, they find it unachievable and acceptable to not responsibly clean and restore Butte’s Silver Bow Creek.

It is unconscionable that Arco/BP has been taken “off the hook” for the cleanup of the Creek and its corridor from the Headwaters at Texas Avenue to Casey Street, and we as a community are now being threatened to accept the inferior cleanup and restoration now being proposed by the agencies and Arco/BP or we are going to get a “worse inferior” cleanup by using Unilateral Orders.

With that said, while there are numerous other negative issues with the recent Agreement in Principle negotiated between the agencies and Arco/BP let me address five particular issues. **It is imperative these issues be resolved before a final Consent Decree is signed!**

- **#1---It is a travesty Arco/BP has been taken “off the hook” *for the cleanup and restoration of the Parrott Tailing area and for Silver Bow Creek and its Corridor from Texas Avenue to Casey Street.* It is unconscionable that the State is now using Natural Resource Damage Settlement dollars to remove the Parrott Tailing. It is essential however, that these tailings be removed in order to have a proper cleanup of the Creek and to prevent further contamination to the recently cleaned Silver Bow Creek from Butte to the Warm Springs Ponds.**
- **#2---*The Reverse French Drain installed at the base of the Creek to capture contaminated groundwater flowing to the Creek.*** There is a significant difference between effectiveness of the Drain between the State Natural Resource Damage Program and the EPA and the Atlantic Richfield/British Petroleum Company. The State of Montana is adamant that the drain does not capture the lower area groundwater as believed by the EPA and Arco/BP.
- **#3---*The removal of certain contaminated tailings east of the County Shops and around the Silver Lake Pipeline---***The EPA Arco/BP have refused to accept the removal of contaminated tailings located east of the County Shops in Butte known to Butte residents as Flintstone Park and south of the Silver lake Pipeline located adjacent to Silver Bow Creek where the Drain is located. Arco/BP and the EPA have threatened lawsuits against the State and Local Government if the removal of these tailings has a negative effect on the Drain.
- **#4. *The document lowers discharge standards at the Headwaters of the Columbia and Clark Fork River Basins for the discharge of Berkeley Pit water---****How crazy if that? As the old adage goes---“The solution to pollution is dilution!”*
- **#5. *Giant retention ponds that I call Zika/mosquito ponds will be installed to deal with storm water run-off from the Butte Hill instead of responsibly cleaning the Hill.***

In closing, I now believe we have a tremendous “one time” opportunity to do what is right, and do what 3500 Butte residents have requested, and that is---to re-create a quality Silver Bow Creek flowing through the middle of our town where children can play and fish and the adults of the community can enjoy the amenities of a responsible cleanup and restoration as well. And finally give Butte and the Clark Fork River Basin the quality cleanup and restoration we deserve and are entitled to receive under Superfund/State Law and the Montana Constitution to make Butte a better and more environmentally safe place to live. The choice is yours!

Sincerely,
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